



Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

MEMORANDUM

To: See Distribution
From: Kevin Christensen, P.E.
Construction Engineer
Date: October 29, 2008
Subject: Supplemental Specification Addition: 108.07.3, Working Day Contracts

The Construction Administration Services Bureau is proposing an addition, Standard Specification 108.07.3, Working Day Contracts, following the Standard Specification Revision Process outlined in the Construction Engineer's Memorandum dated May 2008. The following information is provided.

1. Standard Specification 108.07.3, Working Day Contracts will be modified.
2. The Proposed Draft of the change is attached along with this memorandum.
3. Revisions to the Standard Specifications are needed to properly define contractor's responsibilities and requirements regarding contract time.
4. Those impacted by the change include:
Construction, Contractors, EPM's
5. The following individuals were consulted and/or involved in developing the proposed revisions:
CAS, CES Bureau

*It is requested that written comments on **the proposed revisions only**, be returned to mdtspecifications@mt.gov no later than November 28, 2008.*

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108.07.3 Working Day Contracts

Complete all work within the number of working days specified in the contract.

A working day is defined in Subsection 101.03. Holidays designated as nonworking days are defined in Subsection 101.03.

Working days will be assessed against the contract time except for days when inclement weather or the aftermath of inclement weather prevents the performance of operations that would be in progress for:

1. At least 60 percent of the ~~usual~~ daily schedule ~~that could have been~~ worked from April 16 through November 15.
2. At least 60 percent of the ~~usual~~ daily schedule ~~that was planned to be~~ worked or four hours, whichever is less, from November 16 through April 15.

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All days worked from November 16 through April 15 that have any impact on the travelling public will be considered a chargeable day except for the following:

1. Producing and stockpiling surface aggregates; and
2. Emergency and maintenance repairs to the project when the time requirements under Subsection 104.05.2 are met.

Assessment of time begins on the effective date of the Notice to Proceed.

If work cannot be performed at the regular starting time because of inclement weather or the effects of inclement weather and the work crew is dismissed, no time will be charged for that day.

Do not work on holidays, Sundays, or the days described below without the Engineer's approval. Work done on Saturdays, Sundays, and approved holidays will be assessed as working days. Do not work after 12:00 noon on Friday, or on Saturday and Sunday prior to Memorial Day (last Monday in May) and Labor Day (first Monday in September). Do not work after 12:00 noon on Friday, or on Saturday or Sunday prior to Independence Day (July 4) when July 4 is on a Saturday, Sunday, or Monday. A working day will not be assessed against the contract for work performed up until 12:00 noon on Friday under the above circumstances.

Producing and stockpiling surfacing aggregates, pre-wetting, making emergency repairs to the project, and providing protection for the public may be accomplished on Saturdays, Sundays, holidays, and during a work suspension period without assessment of time with the following exception:

- The period from November 16 through April 15 is chargeable for state maintenance stockpiling projects.

Chargeable or non-chargeable working days will be determined daily by the Project Manager. Except for the period November 16 through April 15, the Project Manager will furnish a weekly report showing the number of working days:

- A. Charged for the preceding week;
- B. Previously charged;
- C. Specified for contract completion;
- D. Of approved time extensions, except for days covered under Subsection 108.07.5, second paragraph; and
- E. Remaining to complete the contract.

The report will be furnished every Monday.

From November 16 through April 15, the Project Manager will furnish a report showing the information listed above, for any week that the Contractor has chargeable days.

~~Submit~~ a written protest ~~to~~ the Project Manager within ~~the time frame shown on~~ the weekly report ~~for~~ any alleged discrepancies in the time assessed.

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